



February 22, 2002

ENGROSSED SENATE BILL No. 1

DIGEST OF SB 1 (Updated February 20, 2002 12:03 PM - DI 75)

Citations Affected: IC 2-7.

Synopsis: Lobbyist registration. Provides for a reduction in the annual lobbyist registration fee if a lobbyist files all lobbying reports electronically. Increases the maximum civil penalties the lobby registration commission may impose.

Effective: July 1, 2002.

Clark

(HOUSE SPONSORS — KUZMAN, ULMER)

November 20, 2001, read first time and referred to Committee on Ethics.
January 24, 2002, reported favorably — Do Pass.
January 28, 2002, read second time, ordered engrossed.
January 29, 2002, engrossed.
February 1, 2002, read third time, passed. Yeas 48, nays 0.

HOUSE ACTION

February 5, 2002, read first time and referred to Committee on Elections and Apportionment.
February 21, 2002, reported — Do Pass.

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ES 1—LS 6294/DI 75+



February 22, 2002

Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

ENGROSSED SENATE BILL No. 1

A BILL FOR AN ACT to amend the Indiana Code concerning the general assembly.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 2-7-2-1 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2002]: Sec. 1. (a) Each lobbyist shall file
3 annually with the commission a registration statement under oath
4 accompanied by the registration fee required by this section.

5 (b) Except as provided in subsection (c), the registration fee is:

6 **(1) fifty dollars (\$50) if the lobbyist files all reports required**
7 **under this article electronically; and**

8 **(2) one hundred dollars (\$100) if subdivision (1) does not apply.**

9 (c) The registration fee of a lobbyist that satisfies either of the
10 following is fifty dollars (\$50):

11 (1) The lobbyist is a nonprofit organization exempt from federal
12 income taxation under Section 501(c)(3) or 501(c)(4) of the
13 Internal Revenue Code.

14 (2) The lobbyist:

15 (A) is an employee of a lobbyist described in subdivision (1);

16 and

17 (B) performs lobbying services for the employer as part of the

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lobbyist's salaried responsibilities.

If a lobbyist to which this subsection applies files all reports required under this article electronically, the registration fee is twenty-five dollars (\$25).

SECTION 2. IC 2-7-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. (a) Each registration statement shall be filed not later than January 15 or within fifteen (15) days after the registrant becomes a lobbyist, whichever is later. Each registration statement expires on December 31 of the year for which it was issued. The commission may accept registration statements before January 1 of the year to which they apply, as the commission determines.

(b) Subject to subsections (c) and (d), the commission shall impose a late registration fee of ten dollars (\$10) per day for each day after the deadline until the statement is filed.

(c) The late registration fee shall not exceed one ~~hundred thousand~~ dollars ~~(\$100)~~ **(\$1,000)**.

(d) The commission may waive the late registration fee if the commission determines that the circumstances make imposition of the fee inappropriate.

SECTION 3. IC 2-7-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 2. (a) One (1) activity report shall be filed not later than July 31, covering the period from January 1 through June 30. The other activity report shall be filed not later than January 31, covering the period from July 1 through December 31 of the immediately preceding calendar year.

(b) Subject to subsections (c) and (d), the commission shall impose a penalty of ten dollars (\$10) per day for each day that the person fails to file any report required by this chapter until the report is filed.

(c) The penalty shall not exceed one ~~hundred thousand~~ dollars ~~(\$100)~~ **(\$1,000)** per report.

(d) The commission may waive the penalty if the commission determines that the circumstances make imposition of the penalty inappropriate.

SECTION 4. IC 2-7-6-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 5. (a) If the commission after a hearing conducted under IC 4-21.5-3 finds that:

- (1) a statement or report required to be filed under this article was materially incorrect;
 - (2) the person filing the report was requested to file a corrected statement or report; and
 - (3) a corrected statement or report has not been filed;
- the commission may invoke sanctions under subsection (b).



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(b) If under subsection (a) the commission is authorized to invoke sanctions under this subsection, the commission may do either or both of the following:

(1) Revoke the registration of the person who has failed to file a corrected statement or report.

(2) Assess a civil penalty on that person in an amount not to exceed five ~~hundred thousand~~ dollars ~~(\$500)~~. **(\$5,000).**

SECTION 5. IC 2-7-6-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: Sec. 6. (a) The commission may impose either or both of the following sanctions if, after a hearing under IC 4-21.5-3, the commission finds that a lobbyist failed to file a report with a member of the general assembly required by IC 2-7-3-6:

(1) Revoke the registration of the lobbyist.

(2) Assess a civil penalty against the lobbyist. A civil penalty assessed under this subdivision may not be more than five ~~hundred thousand~~ dollars ~~(\$500)~~. **(\$5,000).**

(b) In imposing sanctions under subsection (a), the commission shall consider the following:

(1) Whether the failure to file the report was willful or negligent.

(2) Any mitigating circumstances.

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COMMITTEE REPORT

Mr. President: The Senate Committee on Ethics, to which was referred Senate Bill No. 1, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is made to Senate Bill 1 as introduced.)

CLARK, Chairperson

Committee Vote: Yeas 4, Nays 0.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred Senate Bill 1, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

MOSES, Chair

Committee Vote: yeas 12, nays 0.

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